

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
JULIET HOMES, LP,	§	CASE NO. 07-36424-H1-7
	§	
JULIET GP, LLC,	§	CASE NO. 07-36426-H1-7
	§	
DOUGLAS A. BROWN,	§	CASE NO. 07-36422-H1-7
	§	
DEBTORS	§	(Chapter 7)

JOSEPH M. HILL, TRUSTEE	§	
AND W. STEVE SMITH, TRUSTEE,	§	ADVERSARY NO. 09-03441
	§	
PLAINTIFFS.	§	ADVERSARY NO. 09-03441
	§	
V.	§	ADVERSARY NO. 09-03429
	§	
ALEX ORIA ET AL.,	§	
	§	CIVIL ACTION NO. H-12-840
DEFENDANTS.	§	

**DAVID GREENBERG’S AND GREENBERG & CO.’S
RESPONSE TO TRUSTEES’ REPORT AND
OBJECTION TO MEDIATION
[REGARDING DKT. 34]**

David Greenberg and Greenberg & Co. (the “Greenberg Defendants”) file this Response to Trustees’ Report and Objection to Mediation.

1. The Trustees’ Report (the “Report”) was filed on February 28, 2014. On February 28, 2014, at approximately 2:00 o’clock p.m., Counsel for the Greenberg Defendants received the Trustees’ proposed report and immediately attempted to confer with Counsel for Trustees. Counsel for the Greenberg Defendants suggested additional language that could be added to the Report in

order to more fully explain the Greenberg Defendants' position. Due to time constraints, the additional language proposed by the Greenberg Defendants was not included in the version of the Report that was ultimately filed.

2. The Greenberg Defendants object to mediation because they have already conducted unsuccessful settlement negotiations directly with the Trustees, and do not believe that a mediation between the Greenberg Defendants and the Trustees would be constructive.

3. The Greenberg Defendants base this conclusion on several data points. On November 6, 2013, the Trustees and the Greenberg Defendants met in person for approximately two hours to discuss settlement. Since that date, Counsel for the Trustees and the Greenberg Defendants have participated in several rounds of telephone calls and emails in efforts to pursue settlement. After such communications, the parties are still too far apart for the Greenberg Defendants to reasonably believe that a mediation would result in a settlement. The Greenberg Defendants do not believe that a mediator will be useful in bridging the gap.

4. The Greenberg Defendants respectfully request that the Court refrain from ordering them to incur the expense of participating in a mediation session that they do not anticipate will be successful in achieving a resolution, grant the Motion for Separate Trial [Dkt. 29], and grant all other relief to which they are entitled.

Dated: March 4, 2014.

Respectfully submitted,

By: /s/ Kent Altsuler

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CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing Response to Trustees' Report and Objection to Mediation has been served on March 4, 2014 in the following manner:

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